

June 19, 2017

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VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123; *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51

Dear Ms. Dortch:

On June 15, 2017, Scott Sorensen, Chief Executive Officer, and Scott Wood, General Counsel, of Sorenson Communications, Inc. (“Sorenson”); John Nakahata of Harris, Wiltshire & Grannis LLP, outside counsel to Sorenson; and the undersigned, outside counsel for Sorenson, met with Commissioner Mignon Clyburn, her Legal Advisor, Claude Aiken, and Intern, Jamila Toussaint, to discuss the *Order and Further Notice of Proposed Rulemaking on Video Relay Services* (“VRS”).¹

In the meeting, Sorenson highlighted that it is the largest employer of deaf individuals outside of the federal government, with deaf individuals in approximately half of the positions that do not require hearing. In addition, we noted the substantial efforts that Sorenson has made to develop and provide VRS services and functionalities that are specifically tailored to the needs of a deaf user because they are designed with the assistance of deaf individuals, and doing so advances the functional equivalency of VRS. Sorenson is committed to delivering high quality service and, to this end, always assigns two interpreters to each 911 call. In addition, Sorenson explained that it is supportive of efforts that continue to advance functional equivalency and

¹ *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, FCC 17-26, 32 FCC Rcd 2436 (2017) (“FNPRM”).

deliver higher quality service, such as skills-based routing, and hopes to participate in the upcoming VRS Trials.²

We also noted that Sorenson has been exploring the possibility of providing VRS in correctional facilities. The Commission previously concluded that recording performed in the completion of a call from a correctional facility does not violate the Commission's rules that prohibit Communications Assistants ("CAs") from keeping records of the content of any conversation beyond the duration of the call.³ Given the D.C. Circuit's recent decision vacating and remanding the *ICS Order*,⁴ Sorenson urged the Commission to clarify that this conclusion still stands and permits a provider to record any calls to or from a correctional facility.

Sorenson expressed concern about the implications of the proposed rates in the *FNPRM* and potential impact on Sorenson's ability to offer functionally equivalent service.⁵ Because the *FNPRM*'s proposed Tier III rates would result in a significant rate cut for Sorenson – while increasing the rate of other VRS providers – the result would not only be arbitrary and distort the market but would also make it difficult to continue to invest, innovate and offer new services such as skills-based routing in the long term. We explained that Sorenson has submitted substantial data in the record to enable the Commission to use a reasonable, data-driven methodology to adopt new VRS rates.⁶

Sorenson also encouraged the Commission to be mindful of the implications that the *FNPRM*'s proposals may have on consumers. Shifting costs to VRS users, who are

² Sorenson has conditionally elected to participate in the skill-based routing and Deaf Interpreter VRS Trials pending the outcome of the rates adopted in this proceeding. See Letter from Scott Wood, General Counsel, Sorenson Communications, LLC, to Patrick Webre, Chief, Consumer and Government Affairs Bureau, CG Docket Nos. 10-51, 03-123 (filed June 1, 2017); see also Sorenson Communications, Inc. Motion for Extension of Time, CG Docket Nos. 10-51, 03-123 (filed May 18, 2017) (requesting additional time for the election and start of the Trials).

³ *Rates for Interstate Inmate Calling Services*, Second Report and Order and Third Further Notice of Proposed Rulemaking, WC Docket No. 12-375, 30 FCC Rcd 12,763 at 12875, para. 226, note 809 (2015) (*ICS Order*) (concluding that the Commission does not need to waive 47 C.F.R. § 64.604(a)(2) to permit the provision of VRS in prisons).

⁴ *Global Tel*Link v. FCC*, No. 15-1451 (D.C. Cir. June 13, 2017).

⁵ See generally Comments of Sorenson Communications, LLC, Regarding Section IV.A-B and F of the Further Notice of Proposed Rulemaking, CG Docket Nos. 10-51 and 03-123 (filed Apr. 24, 2017) ("Sorenson Comments"); Reply Comments of Sorenson Communications, LLC Regarding Section IV.A-B and F of the Further Notice of Proposed Rulemaking, CG Docket Nos. 10-51 and 03-123 (filed May 4, 2017) ("Sorenson Reply Comments").

⁶ See e.g., Letter from John T. Nakahata, Counsel to Sorenson Communications, LLC, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123 and 10-51 (filed May 18, 2017); see generally Sorenson Comments; Sorenson Reply Comments.

disproportionally low income and already pay more for the service than a hearing person for a phone service,⁷ would not be consistent with Congress' direction that "users of telecommunications relay service pay rates no greater than the rates paid for functionally equivalent voice communications services."⁸

Finally, we expressed Sorenson's willingness to work cooperatively with the Commission to ensure the adoption of data-driven VRS rates that are consistent with the Americans with Disabilities Act.

Please contact me if you have any questions regarding these matters.

Sincerely,

/s/ Rebekah P. Goodheart

Rebekah P. Goodheart

cc: Commissioner Clyburn
Claude Aiken
Jamila Toussaint

⁷ Sorenson Reply Comments at Exhibit 1 (John B. Horrigan, Broadband and Internet Use Among Those With Difficulty Hearing, at 6); FCC URBAN RATE SURVEY DATA AND RESOURCES, 2017 Voice Survey Methodology at 6, available at <https://www.fcc.gov/file/12055/download>; FCC URBAN RATE SURVEY DATA AND RESOURCES, 2017 Broadband Survey Results, available at <https://www.fcc.gov/file/12059/download> (data for rates at 5 Mbps upload); Sorenson Comments at 3-4.

⁸ 47 U.S.C. § 225(d)(1)(D).